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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,660	08/11/2000	Tom Evslin	176/1	9188

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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,660

Applicant(s)

EVSLIN ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 1/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-5 and 9-10 are objected to because of the following informalities:

Claim 1, it is suggested to delete the second "a request received is" in line 8.

Claim 9, lines 2 and 3, it is suggested to change "address" to ---addresses---.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,587,867) in view of Galasso et al (6,374,302).

Regarding claims 1-3, Miller discloses an apparatus comprising a stored table of information (subscriber profile databases) indicative of plurality of parties to be contacted and within a local community of interest, the stored table including a network address for each party within the local community of interest, and an indicator of which of at least two networks (cellular network, PSTN, Internet) the address is a part; at least two network interface units, each for interfacing to a separate one of the at least two networks for receiving requests to contact parties; and a processor for completing the contact at the address and over the network stored in the table (see abstract; col. 1, lines 13-20; col. 5, lines 32-35). Miller does not specifically disclose contact a domain name server over the Internet if the party to be contacted is not in the

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local community of interest. However, Galasso discloses contacting the server if the party to be contacted is not in the local community of interest (see col. 2, lines 16-34; col. 2, lines 44-53; col. 4, line 41-col. 5, line 7). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to contact the server as taught by Galasso in the system of Miller so that call can be forwarded to its destination.

Regarding claims 4-5, Galasso further discloses receiving information from the DNS, to parse the information to ascertain a network address of a second server having a local community of interest of which the party to be contacted is a part, and for establishing communications over the Internet between the apparatus and the second server; monitoring signals received from the second server during call setup, and for determining when to begin transmission of audio communications (see 620, 630 of figure 4; col. 1, line 36-col. 2, line 5; col. 5, lines 58-64; col. 7, line 44-col. 8, line 7).

Regarding claim 6, claim 6 is a method claim that has substantially all the limitation of the respective apparatus claims 1-5. Therefore, it is subject to the same rejection.

Regarding claim 7, Galasso discloses the identification of the called party includes an email address associated with the called party (see table 1 in col. 5).

Regarding claims 11-15, claims 11-15 are method claims that have substantially all the limitations of the respective apparatus claims 1-5. Therefore, they are subject to the same rejection.

Regarding claims 8-10, Miller discloses using the graphical user interface to update the table (subscriber profile) (see col. 4, lines 26-32).

Regarding claims 16-18, Miller discloses the called party can change the table (subscriber profile) and prioritizing sets of information (see abstract; figures 10-12; col. 12, line 1-col. 13, line 20).

Response to Arguments

4. Applicant's arguments filed 1/12/04 have been fully considered but they are not persuasive.

The applicant argues on page 8 that the gatekeeper of a given zone always contacts the associated action control point serving a plurality of zones in order to complete a call between two parties. The examiner disagrees because as in the abstract, the customer database can be distributed within zones or centralized within an administrative domain. Col. 5, lines 38-40, discloses a zone gatekeeper. Col. 4, line 52 discloses master gatekeeper. The master gatekeeper will be contacted only if a terminal in one zone wants to communicate with a terminal in a different zone.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Brian Nguyen', with a stylized flourish extending to the right.

Brian Nguyen

2/2/04